

New Claims 26-37 are directed to methods of improving the performance of a swim fin, which methods take into account the design principles, desired fin performance aspects, and fin structures disclosed at length in the application. Applicant has reviewed the prior art of record and believes that these methods are neither disclosed in nor rendered obvious by the prior art. Basis for the new claims is found at, inter alia, page 13, lines 13-19; page 15, Description and Operation paragraph 1; page 19, line 30 to page 20, line 3; page 20, line 7; page 25, generally, and specifically lines 11-12 and lines 23-25; page 29, lines 9-12; page 30, lines 1-2; page 32, lines 23-24; page 36, line 9; page 47, lines 18-22; page 48, lines 12-14; page 49, lines 12-22; page 52, lines 30-32; and Figure 11 and supporting discussion. Accordingly, Applicant submits that new Claims 26-37 are in compliance with 35 U.S.C. § 112, first paragraph.

Furthermore, Applicant submits that new Claims 26-37 comply with 35 U.S.C. § 112, second paragraph, as the concerns raised by the Examiner in the Office Action have been addressed by the new claim language.

Regarding the Examiner's objection to the use of the term "shock wave" to describe the undulation of a swim fin as disclosed, Applicant responds that "shock wave" is not used in the sense of the shock waves produced by high-velocity gas flow, but rather to more vividly describe the energy impulse traveling down the length of the fin. Acting "as his own lexicographer," Applicant submits that one skilled in the art will readily appreciate the connotation of "shock wave" as disclosed.

Applicant has added the references mentioned in the application but not listed on any IDS form, to Supplemental IDS form PTO-1449 submitted herewith.

Applicant has amended Figures 4-7 in the manner requested by the Examiner, in the Request for Approval of Drawing Changes also submitted herewith.

#### Conclusion

Given the foregoing amendments, Applicant respectfully requests that Claims 26-37 be

A

Appl. No.  
Filed

: 09/311,505  
: May 13, 1999

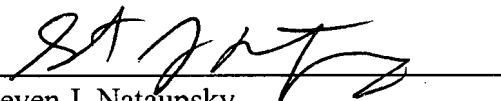
allowed. The Examiner is requested to call the undersigned Agent if the Examiner has any questions.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 18, 2000

By:

  
Steven J. Nataupsky  
Registration No. 37,668  
Attorney of Record  
620 Newport Center Drive  
Sixteenth Floor  
Newport Beach, CA 92660  
(949) 760-0404

H:\DOCS\MJK\MJK-1147.DOC  
011600